

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

In re:

WELLS SOLAR & ELECTRICAL,
SERVICES, LLC

Debtor

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Chapter 11
Case No. 24-10193

DEBTOR’S RESPONSE TO MOTION FOR RELIEF FROM AUTOMATIC STAY

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

COMES NOW Wells Solar & Electrical Services, LLC, Debtor herein, and files this
Response to Motion for Relief from Automatic Stay and would show the following:

1. Debtor denies the allegations of para. 1.
2. Debtor denies the allegations of para. 2.
3. Debtor admits the allegations of para. 3.
4. Debtor admits that EnFin made the allegation.
5. Debtor admits that EnFin made the allegation.
6. Debtor admits that it is not named as a defendant in the action.
7. Debtor admits the allegations of para. 7.
8. Debtor denies the allegations of para. 8. That is not a fair reading of the complaint.

Paragraphs 18-30 all refer to misrepresentations by Wells Solar or Defendants and their employees. There are not any allegations of specific misrepresentations made by Carl Wells or Ferrin Deloach. Immediately prior to para. 40, there is a heading titled “Wells Solar and the Defendants’ Alter-Ego Relationship.” Para. 55 states “Accordingly the corporate veil should be pierced and the Defendants are liable for any judgments owed by

Wells Solar, and vice versa, as a matter of equity.” The subsequent paragraphs refer to actions by “Defendants.” However, there are no specific allegations as to anything done by either Defendant. Instead, the factual background only refers to actions by Wells Solar. This is particularly true with regard to para. 84 which alleges that EnFin conferred a benefit of \$769,811.14 on the Defendants, when para. 25 refers to payments made to Wells Solar of approximately \$770,000. The only specific allegation related to either individual is one phone call that someone at EnFin had with Ferrin Deloach after the fact. (See para. 26-27).

9. Debtor lacks information sufficient to admit or deny the allegations of para. 9.
10. Debtor lacks information sufficient to admit or deny the allegations of para. 10.
11. Debtor denies the allegations of para. 11.
12. Debtor denies the allegations of para. 12.
13. Debtor denies the allegations of para. 13.
14. Debtor denies the allegations of para. 14.
15. Debtor denies the allegations of para. 15.
16. Debtor denies the allegations of para. 16.
17. Debtor denies the allegations of para. 17. Any time that Debtor’s principals have to spend responding to lawsuits is time that they are not attending to the business of Wells Solar.
18. Debtor denies the allegations of para. 18.
19. Debtor denies the allegations of para. 19.
20. Debtor denies the allegations of para. 20.
21. Debtor denies the allegations of para. 21. EnFin seeks to take a claim which belongs to the bankruptcy estate and take that claim for its own benefit. The direct harm vs. indirect

harm test does not apply. The Complaint does not describe any wrongdoing committed by either Defendant. Instead, it refers to harm caused by the Debtor. Movant is clearly attempting to pursue Debtor's principals for a claim against the Debtor.

22. Debtor admits that it has no sought to pursue claims against Carl Wells or Ferrin Deloach.

23. Debtor denies the allegations of para. 23.

24. Debtor denies the allegations of para. 24.

25. Debtor denies the allegations of para. 25. EnFin clearly did not bring "narrowly focused claims based on strong evidence of fraud."

26. Debtor denies the allegations of para. 26.

27. Debtor denies the allegations of para. 27. The bankruptcy was not filed or timed to prevent EnFin from suing Carl Wells and Ferrin Deloach.

28. Debtor denies the allegations of para. 28.

29. Debtor denies the allegations of para. 29.

Respectfully Submitted,

BARRON & NEWBURGER, P.C.

7320 N. Mopac Expy, Suite 400

Austin, Texas 78731

(866) 476-9103

/s/ Stephen Sather

Stephen Sather

State Bar No 17657520

ATTORNEY FOR DEBTOR

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Response was served by first class mail, postage prepaid and properly addressed, on May 22, 2024 to all parties listed on the attached Service List, to the persons listed below by email and electronically by the Court's ECF system to all parties registered to receive such service.

/s/ Stephen Sather
Stephen Sather

Wells Solar & Electrical Services, LLC 24-10193
Limited Service List

Cloudfund LLC (Delta)
400 Rella Blvd. 165-101
Suffern, NY 10901

DE LAGE LANDEN
Financial Cervices, Inc.
5046 Mainway Unit 1
Burlington, ON L7L 5Z1,
Canada

First Citizen Bank
155 Commerce Way
Portsmouth, NH 03801-3243

**KUBOTA CREDIT
CORPORATION, USA**
P.O. Box 2046
Grapevine, TX 76099

Retail Capital LLC (Credibly)
Credibly 25200 Telegraph
Road, Suit 350
Southfield, MI 48033

**South Arlington Industrial,
LLC**
c/o Natalie Overbey
1301 W 7th Street, Suite 141
Fort Worth, TX 76102

US SBA Loan
Little Rock Commercial Loan
Servicing Center
2120 Riverfront Drive, Suite
100
Little Rock, AR 72202

EnFin/Qcells
c/o Parsons Behile & Latimer
201 South Main Street, Suite
1800
Salt Lake City, UT 84111

Rexel
Attn: Credit Department
P.O. Box 766
Addison, TX 75001-0766

Vanguard Lease Co.
14100 Inwood Road
Dallas, TX 75244

Sunnova Energy Corporation
20 Greenway Plaza, Suite 540
Houston, TX 77046

American Express
P.O. Box 570622
Atlanta, GA 30357

Cons. Elec. Distributors, Inc.
1033 Meister Lane, Suite 600
Pflugerville, TX 78660

Intuit
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Tucson, AZ 85706

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